

House File 622 - Introduced

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the confidentiality of patient prescription
2 information and providing for a penalty.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2568HH 83
5 jr/nh/14

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1 1 Section 1. NEW SECTION. 155A.35A PRESCRIPTION
1 2 INFORMATION == CONFIDENTIAL.
1 3 1. a. Records relative to prescription information
1 4 containing patient=identifiable and prescriber=identifiable
1 5 data shall not be licensed, transferred, used, or sold by any
1 6 pharmacy benefits manager; insurance company; electronic
1 7 transmission intermediary; or retail, mail order, or internet
1 8 pharmacy or other similar entity, for any commercial purpose.
1 9 b. For purposes of this section, "commercial purpose"
1 10 includes but is not limited to advertising, marketing,
1 11 promotion, or any activity that could be used to influence
1 12 sales or market share of a pharmaceutical product, influence
1 13 or evaluate the prescribing behavior of an individual health
1 14 care professional, or evaluate the effectiveness of a
1 15 professional pharmaceutical detailing sales force.
1 16 2. The records described in subsection 1 may be
1 17 transferred or used for the limited purposes of pharmacy
1 18 reimbursement; formulary compliance; care management;
1 19 utilization review by a health care provider, the patient's
1 20 insurance provider, or the agent of either; health care
1 21 research; or as otherwise provided by law.
1 22 3. Nothing in this section shall prohibit the dispensing
1 23 of prescription medications to a patient or to the patient's
1 24 authorized representative; the transmission of prescription
1 25 information between an authorized prescriber and a licensed
1 26 pharmacy; the transfer of prescription information between
1 27 licensed pharmacies; the transfer of prescription records that
1 28 may occur in the event a pharmacy ownership is changed or
1 29 transferred; or care management educational communications
1 30 provided to a patient about the patient's health condition,
1 31 adherence to a prescribed course of therapy or other
1 32 information about the drug being dispensed, treatment options,
1 33 or clinical trials. Nothing in this section shall prohibit
1 34 the collection, use, transfer, or sale of patient or
1 35 prescriber de-identified data by zip code, geographic region,
2 1 or medical specialty for commercial purposes. In addition to
2 2 any other penalty under this chapter, a violation of this
2 3 section is an unfair or deceptive act or practice within the
2 4 meaning of section 507B.6.

EXPLANATION

2 5 This bill prohibits any pharmacy, insurance=type entity, or
2 6 intermediary from selling, transferring, or using
2 7 patient=identifiable and prescriber=identifiable data.
2 8 Exceptions are provided for pharmacy reimbursement; formulary
2 9 compliance; care management; utilization review by a health
2 10 care provider, the patient's insurance provider, or the agent
2 11 of either; health care research; or as otherwise provided by
2 12 law.
2 13 Licensed pharmacists who violate these provisions are
2 14 subject to licensee discipline pursuant to Code chapter 272C.
2 15 Additionally, a violation of this provision is an unfair or
2 16 deceptive act or practice and persons regulated by the
2 17 insurance division are subject to a civil penalty of not more
2 18 than \$1,000 for each act or violation and suspension or
2 19 revocation of any license held by the person.
2 20

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